THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO.25002 of 1999

Dated 02-11-2005

Between:

V. Rama Rao, and another.

….Petitioners

and

The Commissioner, Endowments Department, A.P., Hyderabad, and two others.

….Respondents

THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO.25002 of 1999

ORDER:

This writ petition is filed seeking a declaration that the sale of the land admeasuring Ac.6-80 cents in R.S.No.416 situated Pedagonnur village in favour of the petitioners as absolute and final, subject to repayment of sale price after holding that the proceedings dated 04-06-1999 and 06-09-1999 issued by the first respondent as arbitrary and illegal.

It is to be noted that under the impugned proceedings, the sale in favour of the petitioners was set aside and the respondents were directed to return the sale amount collected from them.

The learned counsel for the petitioners does not dispute the fact that pursuant to the impugned proceedings, the sale consideration was returned to the petitioners on 06-10-1999. However, he submits that the respondents have not returned the interest accrued on the sale consideration which was admittedly kept in deposit in a Nationalised Bank.

The learned counsel for the petitioners further submits that in view of efflux of time the petitioners are not interested in pressing the relief sought for in the writ petition.

Having regard to the facts and circumstances of the case and since admittedly the sale consideration paid by the petitioners was kept in deposit in a Nationalised Bank, I deem it appropriate to direct the respondents to pay the interest accrued on the said amount to the petitioners.

Accordingly, while upholding the impugned sale proceedings, the writ petition is disposed of with a direction to the respondents to return the interest accrued on the sale consideration paid by the

petitioners as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

Insofar as the refund of the stamp duty paid on sale deeds is concerned, the petitioners are granted liberty to make an appropriate application before the District Registrar, Krishna District, Machilipatnam, in which event the same shall be considered and appropriate orders shall be passed in accordance with law.

(G. ROHINI, J)

Date:02-11-2005

ghn